

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

JOSHUA MELLO and RACHEL WARE,
PLAINTIFFS

V.

C.A. No. 23-480-JJM-LDA

DEREK GUSTAFSON, TIMOTHY VESEY,
STEVEN CATALANO, JOHN ROCCHIO, AND
EDWARD ARRUDA, DEFENDANTS

ANSWER TO MOTION TO CONSOLIDATE

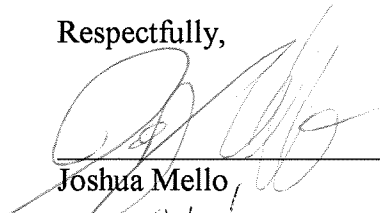
The Plaintiffs, Joshua Mello and Rachel Ware (collectively hereinafter “Plaintiffs”) are objecting to the proposed consolidation of lawsuits currently under consideration. While we acknowledge that the use of excessive force has been mentioned in relation to the overall situation, it is crucial to emphasize that the original claim primarily revolves around violations of 18 USC § 242 Deprivation of rights under the color of law, 18 U.S. Code § 1621 - Perjury, and 18 U.S. Code § 1623, including prosecutorial misconduct, suppressed critical evidence, depriving the plaintiff Mr. Mello of guaranteed constitutional rights,

Furthermore, the Plaintiffs would like to draw your attention to the recently filed motion for reconsideration. This motion aims to bring a sharper focus to the constitutional rights violations and that the § 1983 claim is not an attempt to challenge the validity of the convictions, as stated in Heck Bar. but rather to hold accountable those responsible for flagrant and continued misconduct during the criminal proceedings and continuously thereafter. It is also imperative to highlight the continued misconduct taking place with Mr. Mello’s Post Conviction Relief, and to hold those accountable for any such transgressions. Consolidating the lawsuits may inadvertently

dilute the focus on these critical issues and will hinder a fair and thorough examination of the specific constitutional claims at hand.

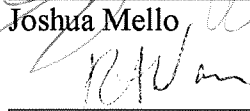
The Plaintiffs believe that there are distinct legal grounds to keep them separate and will contribute to a more accurate and just resolution. Your understanding and consideration in this matter, including the recent motion for reconsideration, are greatly appreciated.

Respectfully,



Joshua Mello

2/5/2024



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2/5/24

CERTIFICATION

We certify that a true and accurate copy of the within was emailed and mailed, postage prepaid, to:

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